

Agenda item:

Title of meeting: Cabinet
Date of meeting: 6th October 2020
Subject: EU Settlement Scheme
Report From: The Chief Executive
Report by: Paddy May, Strategy Unit
Wards affected: All
Key decision: NO
Full Council decision: NO

1. Purpose of report

1.1. The purpose of this report is to update Cabinet on the EU Settlement Scheme and to provide updated data on the number of Portsmouth residents that have applied for Settled Status or Pre-Settled Status.

2. Recommendations

2.1. Cabinet is recommended to:

2.1.1 Note that between 28/8/18 and 30/6/20, 12,070 people from Portsmouth had applied for Settled or Pre-Settled status. Nearly 6,200 of these applications had resulted in Settled Status being granted and nearly 5,000 in Pre-Settled Status being granted.

2.1.2 Agree that the City Council should use its digital and other communication channels to promote the importance to EU Citizens living in Portsmouth and / or working for the Council of applying for Settled Status or Pre-Settled Status before the end of June 2021.

3. Background

3.1. This report has been prepared in response to a Council Notice of Motion in October 2019 that asked for:

1. Officers, through the Cabinet, undertake an urgent review of how a disorderly exit from the EU is likely to affect EU nationals accessing services provided or managed by the Council (licensing, benefits etc).

2. Officers, through the Cabinet, report on how the Council, at local level, can mitigate adverse impacts on the rights of EU nationals (including but not limited to advising on what the Council can do to help landlords and employers to be trained on immigration status and therefore avoid potential discrimination against EU nationals).

- 3.2. The Brexit Withdrawal Agreement, agreed in autumn 2019 and signed in January 2020, is an international treaty that settled the terms of the UK's withdrawal from the EU. It allowed for a transition period from 1st February 2020 until the end of December 2020 designed to avoid or minimise a disorderly exit.
- 3.3. The Brexit Withdrawal Agreement guarantees that EU citizens, and their family members, have broadly the same rights as they have now in that they can continue to live, study and work within the UK. EU citizens that move to the UK before the end of December 2020 (the end of the Transition Period) will also have these rights.
- 3.4. The rights of EU/EEA and Swiss citizens will stay the same until the end of June 2021, but to maintain these rights beyond the end of June 2021 people from these areas that reside in the UK will need to apply for and secure Settled / Pre-Settled Status. It is one application process and the outcome of 'Settled or Pre-Settled' will depend on the length of time people have continuously lived in the UK.
- 3.5. To obtain Settled Status people will have to have proof that they have resided continuously (with a few exceptions) in the UK for at least 5 years. This means that they have lived in the UK for at least 6 months of the year for 5 consecutive years. If the criteria are not met people can be granted Pre-Settled status. With Pre-Settled Status people are given 5 more years to live in the UK. Once they have hit the criteria for Settled Status, they can convert their Pre-Settled Status to Settled Status. The deadline for applying for Settled / Pre-Settled Status is 30 June 2021.
- 3.6. With Settled / Pre-Settled Status people will be able to:
 - work in the UK
 - use the NHS for free, if they currently can
 - enrol in education or continue studying
 - if they are eligible for them - access public funds such as benefits and pensions - however n.b. people with Pre-Settled Status, without a right to reside, will not be able to claim welfare benefits.
 - travel in and out of the UK
- 3.7. On the basis of what was agreed through the Brexit Withdrawal Agreement, and the decision of the Government to use the Settled Status provisions as the way to meet their obligations, it is vital that eligible people apply for Settled / Pre-Settled Status if they wish to continue to reside in the UK and also wish to retain their existing rights.
- 3.8. The Home Office produce a set of data called the EU Settlement Scheme Quarterly Statistics. The most recent version of this data covers the period up until the end of June 2020 and was published at the end of August. This showed that within Portsmouth:
 - 12,070 people had applied for Settled / Pre-Settled Status between 28/8/18 to 30/6/20. Of these 11,270 applications were concluded.

- Of the concluded applications 6,190 people had been granted Settled Status and 4,910 Pre-Settled Status
- In terms of the applications 1,450 were from people under the age of 18; 10,440 were from people aged 18-64; and 170 were from people aged 65+
- 23.9% of the applications from Portsmouth people were from people born in Romania, and 19.7% were from people born in Poland (in Southampton this was nearly 40%)

- 3.9. It is difficult to know what proportion of EU citizens resident in Portsmouth have applied for this status because the data does not exist (the 2011 Census is clearly too old). ONS have published some very broad estimates for 2019 using data from the Labour Force Survey and the Annual Population Survey. They have estimated to the nearest 1,000 the population of people within local authority areas by their country of birth. Within Portsmouth they estimate that there are 13,000 people whose country of birth is within the current EU. However, there is a confidence interval of + / - 4,000 people. If their central estimate is correct, this would suggest that the majority of eligible people in Portsmouth have applied for Settled / Pre-Settled Status. However some of the people that have applied will have been from the EEA or Switzerland. ONS have estimated that there are 1,000 people from non EU European countries (+/- 1,000). Equally some people may well have moved back to the EU during 2020 or moved into the UK. Some of the people born in the EU (therefore part of the population data) would have been born in the Republic of Ireland and they do not need to apply for Settled / Pre-Settled Status because their rights are protected under the Common Travel Area Agreement.
- 3.10. All of this does mean that there can be no certainty on the proportion of eligible people that have applied. However, to make sure that as many people as possible that wish to stay within the UK are able to do so, there is good cause to promote the importance of making application.
- 3.11. With 5,000 people from Portsmouth being granted Pre-Settled Status this does mean that there is a large number of people that will not have access to welfare benefits until their application is upgraded to Settled Status or they can demonstrate that they have a right to reside. People who are "workers" are often able to demonstrate this right to reside. However it is not clear that if UK exits the EU without a deal whether, even with a right to reside, those people will be able to claim welfare benefits.
- 3.12. There are already a number of organisations within Portsmouth offering support to EU Citizens around Settled Status applications and access to benefits. The Citizens Advice Bureau have funding to provide specialist immigration advice and the main council funded provider for welfare benefits advice is Advice Portsmouth. Both organisations are providing support for EU Citizens in Portsmouth. There is also a national organisation called Settled who support EU nationals in the UK and have a particular focus on vulnerable migrants, including people with lower English language skills, homelessness or other barriers. The local volunteer for Settled has engaged with the council's Tackling Poverty Coordinator and she has also

provided outreach services through St Swithuns Church. She is due to be invited to speak to the Portsmouth Debt and Benefits Forum. This forum includes the frontline money advice teams from a number of different services and will enable teams to engage with Settled and to share issues that they are seeing. It is important that there is continued engagement with all these organisations as we move closer to the deadlines associated with Settled / Pre-Settled status.

4. Promoting Settled / Pre-Settled Status

- 4.1. As a large employer within Portsmouth, the City Council has a number of staff that were born in the EU. To promote the importance of staff applying for Settled / Pre-Settled Status, staff briefing sessions were held in 2019. Whilst most of the staff already knew the details of the scheme and what they needed to do to apply, the briefings also enabled staff to engage with other staff in the same situation and create their own networks for help and advice.
- 4.2. More recently the Adult Social Care management team have been discussing EU Settled Status in relation to both service users and the social care workforce. Information will be added to their staff bulletin and they are asking any teams who are aware of issues, or need help with Settled Status, to contact the Tackling Poverty Coordinator.
- 4.3. The Council also has an important role to promote applying for Settled Status to EU citizens who live in Portsmouth. The council's digital and other communication channels can be used to promote key messages and key deadlines as we move towards June 2021 and work with organisations such as Portsmouth Advice and the CAB.

5. Reasons for recommendations

- 5.1. With new data available on the number of people applying for Settled / Pre-Settled status it is important that this data is looked at to get a feel on the proportion of EU Citizens within Portsmouth that have applied for this status. With deadlines approaching for people to apply for this status it is important that the Council uses its digital and other communication channels to promote key messages and important deadlines.

6. Integrated Impact assessment

- 6.1. An integrated impact assessment has been completed although much of the impacts and causes are from national regulations.

7. Legal Implications/City Solicitor comments

- 7.1 The Legal comments are contained within the body of the report.

8. Director of Finance & Resources comments

- 8.1 There are no direct financial implications arising from the recommendations in this report.

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

Appendices:

None

Signed by:

.....
DAVID WILLIAMS
Chief Executive

The recommendation(s) set out above were approved/ approved as amended/
deferred/ rejected by on

..... Signed by: